

### **302 KAR 27:020. General provisions.**

RELATES TO: KRS Chapter 217B

STATUTORY AUTHORITY: KRS 217B.050, 217B.105(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the Department of Agriculture to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. This administrative regulation establishes requirements for recordkeeping, the storage and handling of pesticides, trainee supervision, certification denial, suspension, modification or revocation, and registered pesticide equipment identification.

Section 1. Recordkeeping Requirements. (1) Applicability. The provisions of this section shall not apply to doctors of veterinary medicine applying restricted use pesticides during the ordinary course of their practice.

(2) Dealers. Each dealer or branch office that sells pesticides shall maintain the following records for each sale of restricted use pesticides:

- (a) Brand, amount, and type of restricted use pesticide sold;
- (b) Buyer's name and address;
- (c) Certification number of the purchaser; and
- (d) Intended use: target crop or resale.

(3) All private applicators, noncommercial applicators, pesticide operators, and pesticide applicators who apply pesticides shall maintain the following records:

- (a) Name and address of person receiving services;
- (b) Brand or product name of pesticides applied;
- (c) Date of application;
- (d) Purpose of application;
- (e) Size of area treated;
- (f) Crop, commodity, stored product, or type of area treated;
- (g) Name and certification number of applicator;
- (h) EPA registration number;
- (i) Location of application; and
- (j) Total amount of each pesticide applied.

(4) Retention. All persons required to maintain records under subsection (2) of this section shall retain the records for a period of two (2) years from the date of sale pursuant to KRS 217B.105(7). All persons required to maintain records under subsection (3) of this section shall retain the records for a period of three (3) years from the date of use or application. Maintenance of duplicate records shall not be required. If a use or application of a restricted use pesticide is made in the name of a person or business entity, maintenance of only one (1) set of records for each use or application shall be required by that person or business entity, even though one (1) or more persons may have used or applied a pesticide.

(5) Availability. Records required under this section shall be made available to the department upon request or for dealers and branch offices, as prescribed in KRS 217B.105(7).

Section 2. Storage and Handling of Pesticides. (1) Applicability. This administrative regulation shall apply to all persons who have occasion to store restricted use pesticides or persons who have occasion to store any pesticides for the purpose of redistribution or direct resale.

(2) Standards for storage of pesticides:

(a) Sites for the storage of pesticides shall be of sufficient size to store all stocks in designated areas.

(b) Storage sites shall be cool, dry, and airy or have a ventilation system installed to reduce concentrations of toxic fumes and to regulate temperatures and moisture. If a ventilation system is installed to reduce fumes, heat, or moisture, the ventilation exhaust shall not connect with offices or other areas frequented by people.

(c) Storage sites shall be adequately lighted so that labels and label information can be easily read.

(d) Storage sites shall comply with applicable fire codes.

(e) Floor sweep compound of adsorptive clay, sand, sawdust, hydrated lime, or similar materials shall be kept on hand to absorb spills or leaks. The contaminated material shall be disposed of per label directions.

(f) Restricted use pesticides shall be located in designated and segregated areas apart from general use pesticides. These segregated areas may remain open if the entire storage area is locked when authorized personnel cannot control access to the area. Entrance to these segregated areas shall be plainly labeled on the outside with signs containing the words "pesticide storage area" and "danger" or "poison".

(3) Standards for storage of bulk fertilizer or bulk pesticides. Any person who has cause to store bulk fertilizer or bulk pesticides shall meet the standards and requirements set out in 302 KAR 31:040.

(4) Standards for transportation of pesticides. All pesticides transported on or in vehicles owned or operated by private applicators, dealers, pesticide operators, pesticide applicators, or noncommercial applicators shall be transported consistent with 49 USC 51.

Section 3. Supervisory Requirements. A trainee who applies pesticides shall have direct on the job supervision as defined in KRS 217B.040(28).

Section 4. Denial, Suspension, or Revocation of Pesticide Certification. The department shall review for possible denial, suspension, or revocation, the license or certification of any person if the licensee or certified person has been convicted or is subject to a final order imposing a civil or criminal penalty pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended, 7 USC 14.

Section 5. Registered Pesticide Equipment Identification. The equipment owner shall notify the department if equipment registered under KRS 217B.170 is permanently transferred from the original registering location or is permanently removed from active pesticide application service. The owner shall be responsible for removing the decal when the equipment is permanently removed from active pesticide application or is permanently transferred out of the state.

Section 6. Effective Date. The effective date of this administrative regulation shall be July 1, 2002. (28 Ky.R. 728; Am. 1363; eff. 12-19-2001.)